

ENROLLED ORDINANCE 159-26

AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING ORDINANCE TO
REPEAL AND RECREATE SECTION 3.08(Q) 3. (f) OF THE TOWN OF MUKWONAGO
ZONING ORDINANCE AS IT RELATES TO COMPUTATION OF C-1 CONSERVANCY
AND A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS IN THE
PLANNED UNIT DEVELOPMENT CALCULATION
(ZT-1540)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on June 9, 2004, after Public Hearing and the giving of requisite notice of said hearing, and duly referred and considered by the Waukesha County Park and Planning Commission and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Ordinance amending the text of the Town of Mukwonago Zoning Ordinance, approved by the Mukwonago Town Board on May 9, 1983, to repeal and recreate Section 3.08(Q) 3. (f) as it relates to computation of C-1 Conservancy and A-E Exclusive Agricultural Conservancy Districts in the Planned Unit Development calculation, and more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-1540), is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Mukwonago.


BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage, approval and publication.

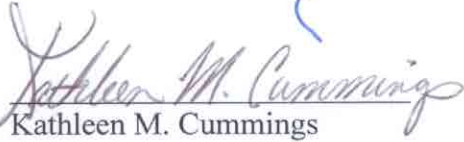
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of provisions of this Ordinance are hereby repealed.

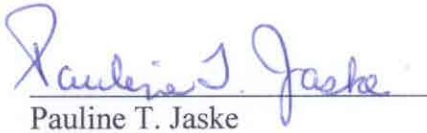
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AND A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS IN THE
PLANNED UNIT DEVELOPMENT CALCULATION (ZT-1540)

Presented by:

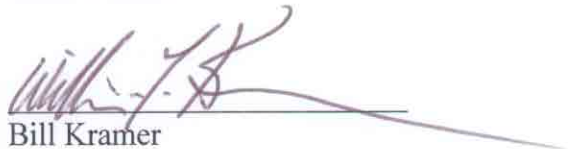
Land Use, Parks, and Environment Committee

 ~~as amended~~
Walter L. Kolb, Chair

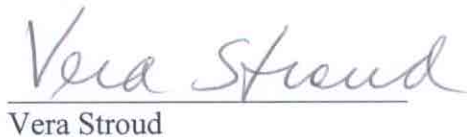

Kathleen M. Cummings


Pauline T. Jaske

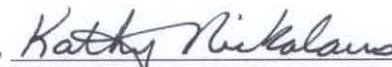

Scott J. Klein


Bill Kramer


Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 7/30/04, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ☒

Vetoed: ☐

Date: 8-2-04, 
Daniel M. Finley, County Executive

STATE OF WISCONSIN TOWN OF MUKWONAGO WAUKESHA COUNTY

ORDINANCE NO. 2004-8AN ORDINANCE TO REPEAL AND RECREATE SECTION 3.08(Q) 3. (f)
OF THE ZONING ORDINANCE FOR THE TOWN OF MUKWONAGO

WHEREAS, the Town Planner for the Town of Mukwonago has recommended that the Town clarify the density calculation for Conservancy and A-E zoned lands in Planned Unit Developments in the provisions of the Zoning Ordinance; and

WHEREAS, the Plan Commission for the Town of Mukwonago has reviewed this report and found it to be a legitimate concern; and

WHEREAS, the Town Board for the Town of Mukwonago has also reviewed the report and concurs with findings of the Plan Commission; and

WHEREAS, subject to Section 22.01 of the Zoning Ordinance for the Town of Mukwonago and the provisions of Section 60.62 of the Wisconsin Statutes, the Town Board may from time to time, after first submitting a proposal to the Plan Commission for a report, and after notice of public hearing amend, supplement or change the regulations of the Zoning Ordinance of the Town of Mukwonago; and

WHEREAS, upon referral of the petition by the Town Clerk, the Plan Commission for the Town of Mukwonago scheduled a public hearing for the Town Board for the Town of Mukwonago and the Plan Commission for the Town of Mukwonago as soon as practical; and

WHEREAS, upon publication of the required notice of the public hearing, and mailing of said notice for the public hearing to all parties in interest as required by Section 23.02 of the Zoning Ordinance of the Town of Mukwonago, the Plan Commission for the Town of Mukwonago, and the Town Board for the Town of Mukwonago, held a public hearing on the 2nd day of June, 2004 as required by Section 22 of the Zoning Ordinance for the Town of Mukwonago; and

WHEREAS, the Plan Commission for the Town of Mukwonago has recommended to the Town Board for the Town of Mukwonago that said Ordinance be approved; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Town Plan Commission and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will best serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Town of Mukwonago Zoning Ordinance in Section 3 entitled "General Provisions", Subsection 3.08 entitled "Conditional Uses", Subsection Q entitled "Planned Unit Development", Subsection (f) is hereby repealed and recreated to read as follows:

- (f) Conservancy and A-E Exclusive Agricultural District lands may be used to augment the otherwise applicable density of a Planned Unit Development project in one of the two following ways, whichever allows the least additional density:
 - (i) Twenty (20) percent of the area of lands which are zoned Conservancy or A-E Exclusive Agricultural District within the project may be used to augment the Planned Unit Development project density; or
 - (ii) Five (5) percent of that part of the total project area which is zoned other than Conservancy or Exclusive Agriculture may be used to augment the Planned Unit Development project density.

Example:

Existing Conditions:

- Total area of project ("Total Area"): 180 acres
- Total Conservancy and Exclusive Agriculture lands ("Total Protected Area"): 60 acres
- Total Area Minus Total Protected Area ("Developable Area"): 120 acres

Conservancy and Exclusive Agriculture zoned lands Comparison:

- 20 percent of the Total Protected Area (60 acres) = 12 acres.
- 5 percent of the Developable Area (120 acres) = 6 acres

Analysis:

- 6 is less than 12, so 6 acres can be added to the Developable Area. 120 acres Developable Area + 6 acres = 126 acres. Assuming the Developable Area is zoned A-1 and A-1 allows one dwelling unit per 3.2 acres, then $126/3.2 = 39$ units.

SECTION 2: SEVERABILITY.

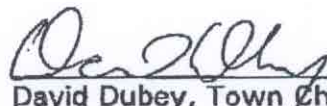
Several sections of this Ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance which shall remain. The remainder of the Ordinance shall remain in full force and effect and any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

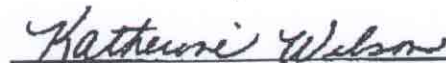
This Ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Dated this 9th day of June, 2004.

TOWN OF MUKWONAGO


David Dubey, Town Chairman

ATTEST:


Katherine Wilson, Town Clerk

Published and posted this 14th day of June, 2004.

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/27/04

(ORD) NUMBER-1590028

1 K. HERRO.....AYE
3 D. STAMSTA.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....AYE
9 P. HAUKOHL.....AYE
11 K. HARENDA.....AYE
13 J. MORRIS.....AYE
15 D. SWAN.....AYE
17 J. BEHREND.....AYE
19 W. MITCHELL.....AYE
21 W. KOLB.....AYE
23 J. TORTOMASI.....AYE
25 K. CUMMINGS.....AYE
27 D. PAULSON.....AYE
29 T. BULLERMANN.....AYE
31 V. STROUD.....
33 D. PAVELKO.....AYE
35 C. SEITZ.....AYE

2 R. THELEN.....AYE
4 H. CARLSON.....AYE
6 D. BROESCH.....AYE
8 J. DWYER.....AYE
10 S. WOLFF.....AYE
12 J. GRIFFIN.....AYE
14 A. KALLIN.....AYE
16 R. MANKE.....AYE
18 B. MORRIS.....AYE
20 M. KIPP.....AYE
22 G. BRUCE.....AYE
24 R. KRAMER.....AYE
26 S. KLEIN.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....AYE
32 P. GUNDRUM.....AYE
34 R. SINGERT.....

TOTAL AYES-33

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-33